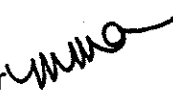

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: March 5, 2007

TO: Members of the Planning Commission

FROM: Melinda M. Artman, Zoning Administrator 

SUBJECT: Making the matrix manageable

There are a number of ways the Commission might wish to review the ZORC draft and make the several matrices more manageable. One way to approach this is by article, another way might be by topic. Using an Article by Article approach the break down would be as follows:

Article 1 General Regulations Items 1 – 8

Article 2 Rural Regulations Items 9-14

Article 3 Suburban Regulations Item 16

Article 4 Special Districts Items 17 – 31

Article 5 Additional Regulations Items 32 – 45

Article 6 Development Process and Administration Items 46-48

Article 7 Affordable Dwelling Units

Article 8 Definitions Items 49-53

To break this further down into a grouping, I would suggest Articles 1 -3, Article 4 and Articles 5-8. The number of items to review is roughly equal in each grouping.

Should the commission wish to review the Ordinance topically, I would suggest the following grouping:

| Lot Regulations | Uses and Limitations | Environmental | Administrative | Miscellaneous |
|-----------------|----------------------|-----------------|-----------------|----------------|
| 2. Yards | 10. Indoor Rec | 28. Floodplain | 5. Map Adjust | 8 Structures |
| 3. Setbacks | 12. Mill, Feed | 29. Floodplain | 46. Sub require | 14 Edit change |
| 4. Density | 13. RC use size | 30. Floodplain | 47. STPL | 18. Loc. OP |
| 6. Noncon. lot | 16. MRHI storage | 31. Floodplain | 48 HOD | 37. Parking |
| 7. BLA | 19. Site/OP | 40. Trees | | 38. Parking |
| 9. L/W ratio | 20. Church/IP | 41. Trees | | 39. Parking |
| 11. Setbacks | 22. Contractor/IP | 42. Trees | | |
| 15. Lot cover. | 23. Retail+/IP | 43. Trees | | |
| 17. Veh. access | 26. Utilities/RV | 44. Steep Slope | | |
| 20. Setbacks | 33. Home Occ. | 45. Steep Slope | | |
| 24. Setbacks | 34. Temp Uses | | | |
| 25. Setbacks | 36. Hamlet Uses | | | |
| 32. Setbacks | 49. Def. Church | | | |
| 51. Lot Cover. | 50. Def. Hvy eq. | | | |
| 52. Setbacks | | | | |
| 53. Sign Area | | | | |

It may make sense to group Environmental, Administrative and Miscellaneous together, and have Lot regulations and Uses, Use Limitations be individual topics.

The remaining issues to be placed within the matrix should easily accommodate either the Article by Article format or the topical without throwing anything off balance.

I hope you find this helpful in managing your deliberations.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: February 28, 2007
TO: Members of the Planning Commission
FROM: Melinda M. Artman, Zoning Administrator *mma*
SUBJECT: ZOAM-2006-0003/Annual Review

For your work session on Monday, March 5, 2007, please find a hard copy* of the draft zoning ordinance text. The draft text has been updated and now incorporates the three most recent zoning ordinance amendments including the rural policy area amendments (ZOAM 2005-0002), Route 50 landscaping amendments (ZOAM 2006-0002) and public water supply reservoir amendments (ZOAM 2006-0001). Also enclosed are three matrices. The first matrix for your consideration is entitled "Planning Commission Issues from Public Input Session on February 12, 2007". The second matrix for your consideration is a "Public Input Log, verbal and written submissions" and the third matrix is "Staff Comment (Part 1), Planning Commission Work Session – March 5, 2007". This latter matrix contains approximately 50 comments from staff, raising issues, concerns or suggestions for the Zoning Ordinance Review Committee (ZORC) draft. This matrix, however, does not contain the full staff list. I need additional time to fully compile the staff recommendations and anticipate that the "Part 2" matrix will be of similar length to the "Part 1" matrix. I anticipate that I need an additional week to prepare "Part 2". Please accept my apologies for not having a single document that contains all the staff comments.

I look forward to working with you on this zoning ordinance amendment.

cc: Linda Neri, Deputy County Administrator
Terrance D. Wharton, Director
John Merrithew, Assistant Director, Department of Planning
Robert Gordon, Chair, ZORC
Patrick Quante, Vice Chair, ZORC

* Hard copy drafts provided to Planning Commission members only.

| No. | ISSUE DESCRIPTION (Zoning Ordinance Section Number) | PLANNING COMMISSIONER | STAFF COMMENT AND RECOMMENDATION | TIME FRAME TO COMPLETE |
|-----|--|--------------------------|---|---|
| | | | | |
| 1 | Quick-marts with Gas Pumps (Commercial Districts). Request to eliminate the requirement for a special exception when putting in gas pumps at convenience food stores. | Volpe | Consider review of the current standards in Section 5-617 for convenience food stores. Consider adding additional performance standards when gas pumps are proposed. | Requires resolution of intent to amend by BOS. ZORC did not consider changes to this use. |
| 2 | Section 5-400(C): Expansion of square footage devoted to a home occupation in an accessory building from 25 % to 49 %. Specially, where would this be problematic? What is the minimum lot size this would affect? | Whitmore | After consulting the permits division, staff estimates lots of 1/4 acre or greater. However, the home occupation restrictions, definition of accessory building, lot coverage and yard requirements may be sufficient safeguards when taken all together. | |
| 3 | Section 4-306(C): Increase of FAR to 1.0 in PD-OP. How would this change the appearance of office parks? What does 1.0 FAR look like? | Whitmore | The urban core at Reston Town Center (although mixed use, not strictly office) is roughly 83 acres with an FAR of .95. Working to get a graphic depiction of this or other 1.0 FAR development. | |
| 4 | Passage of Time Issues. Identify for the Planning Commission issues that have arisen due to the passage of time. What issues could be addressed if staff had an opportunity to work with ZORC? | Doane | Zoning Ordinance Amendments (ZOAMs) have been adopted since ZORC's final redline draft, including the rural policy area amendments (ZOAM 2005-0002), Route 50 landscaping amendments (ZOAM 2006-0002) and public water supply reservoir amendments (ZOAM 2006-0001). | |
| 5 | Section 5-645: Camp, Day and Boarding. Compare camp use to other rural uses (i.e. paintball). How many acres required? Number of people per acre? How do neighboring jurisdictions regulate camps? | Volpe/Elgin | Agricultural Cultural Center—10 acre min. Cross-County Ski/Ecotourism—5 acre min. Farmground—25 acre min. Farm Based Tourism—5 acre min. (5 to 40 acres allows 300 visitors on any one day/150 vehicles at any one time; 40 to 80 acres allows 600 visitors/300 vehicles; greater than 80 acres allows 800 visitors/400 vehicles) Golf Course—9 holes: 75 acre min.; 18 holes: 150 acre min. Outdoor Amphitheatre—50 acre min. | Requires resolution of intent to amend by BOS. ZORC did not include changes to Section 5-645 in their final report. (Note: ZOAM 2005-0002 amended camp provisions.) Summary of neighboring jurisdictions could be conducted during review of Section 5-645. |
| 6 | Planning Commission Bin Items. Bring forward those items that the Planning Commission ran out of time to discuss during ZOAM 2005-0002, Western Loudoun Rezoning | All | Paintball is a "rural recreational establishment, outdoor" and is by-right in the AR districts with no applicable 5-600 standards. (Pev's Paintball plans to operate on 46 acres in the AR-2 district.) Based on the Planning Commission's March 20, 2006 report to the Board of Supervisors, the Planning Commission, 1) Recommended that the inconsistencies regarding lot size and setbacks in Section 5-626, 5-627 and 5-630 Agriculture, Agriculture Support Uses (Direct) and Agriculture Support Uses (Indirect) be addressed and that the inconsistencies be eliminated; 2) Deferred any action on changes to the performance standards for camps until the Annual Review. | Requires resolution of intent to amend by BOS. ZORC proposed changes to Section 5-626, which were considered with ZOAM 2005-0002. |
| 7 | State Code Compliance. Does the state code require transportation/environmental/fiscal analyses prior to adopting the proposed changes? | Elgin | Assistant County Attorney Larr Kelly spoke with Edward Gorski of Piedmont Environmental Council (PEC) to confirm the section of the State Code in question. Mr. Kelly has reviewed §15.2-2224 and does not believe changes to the Zoning Ordinance would violate this section of the Code. | |

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ATTACHMENT 2
(MATRIX 2)

ZOAM 2006-0003, Public Input Log: February 12, 2007
Verbal Comment

| Speaker # | Name | Organization | Comment | Relevant Z.O. Section |
|-----------|-------------------|---|--|------------------------------|
| 1 | Linda Erbs | National Association of Industrial and Office Parks (NAIOP) | Supports changes to commercial districts; recommend ZORC become a permanent committee; recommend review of 4-1111(C) regarding enclosure of parking structure not shielded from the street by a building | 4-1111(C) |
| 2 | Austin Birch | Adventure Links | Recommends review of camp, day and boarding standards; 2.5 kids per acre is too much land | 5-645 |
| 3 | Edward Gorski | Piedmont Environmental Council (PEC) | Recommends more than two PC work sessions; 300 pages of written comments to be submitted; bulk/lot coverage changes appear to allow for significant increase in lot intensity without transportation/environmental/fiscal analyses, which are required by state statute. | |
| 4 | Steve Robin | Wildwood Farms, LLC | Supports removal of clustering requirement in the TR-10 district. | 5-701(C)(3) |
| 5 | Bill Fox | Loudoun Habitat for Humanity | Recommends changes to sidewalk requirements in Village Conservation Overlay District (VCOD). | 4-2104(B)(3) |
| 6 | Fred Snowden | The Community Church | Supports change to church definition and to 4-503 to allow for churches to include related uses in PD-IP. | 4-503(EE), 4-504(FF), Art. 8 |
| 7 | Michael E. Taylor | The Community Church | Supports change to church definition and to 4-503 to allow for churches to include related uses in PD-IP, specifically on behalf of Triple C Ranch Day Camp. | 4-503(EE), 4-504(FF), Art. 8 |
| 8 | Arlie Whitlow | The Community Church | Supports change to church definition and to 4-503 to allow for churches to include related uses in PD-IP. Allow related uses to build first. | 4-503(EE), 4-504(FF), Art. 8 |
| 9 | Randy Falkosky | The Community Church | Supports change to church definition and to 4-503 to allow for churches to include related uses in PD-IP. Support for Triple C Ranch Day Camp. | 4-503(EE), 4-504(FF), Art. 8 |
| 10 | John Kornacki | | Reform to historic preservation regulations; remove ambiguities; will put together a set of recommendations | 6-1800; 6-1900 |

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| Speaker # | Name | Organization | Comment | Relevant Z.O. Sect. |
|-----------|-----------------|------------------------------|--|---|
| 11 | Ed Smariga | Buckeye Development, LLC | Request for additional FAR in PD-OP keynote employment areas; text attached | 4-300 |
| 12 | Rod Dallaire | Gun Springs Regional Network | Concern that changes would negatively impact properties adjoining the Dulles South Area; Recommends that changes such as these be considered case-by-case rather than globally | 3-107(B) 4-109(E) 4-104(D)(1) 3-511(A) |
| 13 | Charlie Whitlow | The Community Church | Concern for all churches and their programs. Churches offer schools, camps, food pantries, shelters. Permit churches to offer all these programs. | 4-503(EE), 4-504(FF), Art. 8 |

ZOAM 2006-0003, Public Input Log
Written Comment

| # | Name | Organization | Comment | Relevant Z.O. Sect. |
|---|---------------------|--------------|--|---|
| 1 | Eric Zicht | | Supports changes to Village Conservation Overlay District | 4-2100 |
| 2 | Marlene Burkgren | | Supports 50-foot setback from the W&OD Trail; Also concerned that building height increase in CR-districts from 35 to 40 ft will adversely impact existing neighborhoods | 5-900(B); 2-508(B), 2-509(B), 2-608(B), 2-609(B), 2-610(B), 2-708(B), 2-709(B), 2-710(B), 2-808(B), 2-809(B), 2-810(B) |
| 3 | Michael Banzhaf | | Recommends language be added to AI overlay provisions to reflect updated environmental assessment being prepared for Leesburg Municipal Airport and Dulles. | 4-1402(A) |

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| No. | Z.O. SECTION NUMBER | DISTRICT | PAGE NUMBER | STAFF COMMENT AND RECOMMENDATION | PLANNING COMMISSION COMMENT AND RECOMMENDATION |
|-----|--|----------|--------------|---|--|
| 1 | Section 1-103(N)(2), Route 28 Tasting District | All | 1-7 | Staff does not recommend any change to this section. This amendment would allow properties under the 1972 Zoning Ordinance to "opt-in" to the Revised 1993 Ordinance for one year following the revisions. The County Attorney is concerned that this change is inconsistent with notice requirements. (Converting from 1972 to Revised 1993 is a remapping.) A better solution may be a Board of Supervisors policy that applications may be made on a periodic basis to convert to the current zoning ordinance and map. In addition, it is noted that if the proposed changes recommended by ZORC are adopted by the Board, there is a density increase in the commercial/industrial planned development districts from the 1972 Ord. to the current Ord. The Code of Virginia may require notice of such changes. | |
| 2 | Section 1-205(F) Yards on Corner Lots | All | 1-13 | Instead of two front yards and two side yards, a corner lot would have two fronts, one rear and one side yard. Staff is concerned that the revision will make it harder to build on some lots and the only remedy is a variance. Staff also notes that the CR Zoning Districts require a minimum rear yard of 50 feet. Side yards are significantly smaller than rear yards and the proposed change would ensure a full rear yard on corner lots. | |
| 3 | Section 1-205(J) | All | 1-14 | Staff does not recommend any change. The amendment proposes a clarification of where to measure setbacks when right-of-way reservation is proposed that is greater than the planned right-of-way. The language appears to be unnecessary and is somewhat confusing. Any reservation of right-of-way would most likely be based upon the requirements of the Comprehensive Plan. Item (b) already states that the setback is measured from the right-of-way proposed in the Plan. If excess is given, by Ordinance, the setback is measured from what the Plan requires and not the additional provided. | |
| 4 | Section 1-206(C), 1-206(C)(1)(a) | All | 1-17 | These Sections have been previously interpreted to include roads shown on the CTP as it relates to CR-1 by-right subdivisions. This language would clarify past practice. However, this proposed change should be looked at in context with individual zoning district requirements particularly the TR, ILMA, AR Zoning Districts. The ILMA District regulations state "The maximum gross density shall be _____ unit per _____ square feet, calculated on the overall parcel, excluding roads." TR district regulations state, "The maximum gross density allowed in TR districts is _____ dwelling unit per _____ square feet or _____ acres." Roads are not excluded. There appears to be a conflict between this Section of the Zoning Ordinance and the ILMA District regulations. | |
| 5 | Section 1-300(B)(9) Section 6-407(A)(3) | All | 1-21 6-14 | Staff does not recommend any change to these sections. This amendment would allow the Zoning Administrator to interpret and "adjust" district boundaries. "Adjusting" boundaries could be construed as a remapping. | |
| 6 | Section 1-404(A), Use of Nonconforming Lots | All | 1-24 | Currently, a nonconforming lot can be used even though it does not meet the lot area, access and/or lot width requirements of the district. This amendment broadens it to any requirement of the district. Staff questions whether this change is necessary. | |
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* This is an example of where amendments have "overlaken" the ZORC draft.

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| 7 | Section 1-404(C), Boundary Line Adjustments | All | 1-25 | Staff does not support this change. This amendment simplifies the boundary line adjustment process. Requiring lots to be in compliance with lot area at the time the lot was created will be difficult to administer and may require substantial research. In addition, such research may result in the identification of lots that were created "illegally." The amendments would also permit conforming lots to become nonconforming, which staff does not support. In general, the degree of nonconformity should not be allowed to increase for nonconforming lots. | |
| 8 | Section 1-405(D) | All | 1-26 | This amendment permits a structure that has terminated its nonconforming status to lawfully exist unless it is abandoned or discontinued for two years. The current time period is 180 days and staff does not see the need for an extension of this time period. | |
| 9 | Articles II & III, Length/width ratios | A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, R-1 to R-8 | | Staff is generally supportive of this change. However, in those districts that permit clustering, lot width is reduced to 60 feet. Increasing the length to width ratio may result in narrower lots. | |
| 10 | Section 2-403(HHH) | A-3 | 2-58 | Staff is concerned that adding "recreation establishment, indoor" to the list of special exception uses in the A-3 is not consistent with the purpose of the district or the Revised General Plan's Rural Policy Area. These types of facilities do not rely upon the rural land resource for their operation nor are they considered rural economy uses. | |
| 11 | Sections 2-511, 2-612, 2-712 & 2-812 | CR-1, CR-2, CR-3, CR-4 | 2-66, 2-72, 2-78, 2-83 | Staff does not support this change as proposed. These sections state that the requirements of Section 5-900 shall be observed "unless a lot was the subject of a boundary line adjustment application that previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for 3 lots or less within this district." It is not clear whether the exemption contained in Section 2-511 exempts such lots from the setbacks or only from the requirement associated with access to these roads. If the intent is to permit existing lots that are adjusting property boundaries to continue to have access to an arterial or major collector road, staff currently interprets that such lots may continue to have access since no new lots are being created. Staff does not understand the purpose of allowing 3 lots or less to be exempt from the access requirements. This would appear to promote piecemeal development by encouraging properties with a lot of road frontage to subdivide under either the two lot waiver provisions or a three lot preliminary/record plat. Why would the setbacks not apply in these situations? | |
| 12 | Section 2-903(NN) Permitted Uses | RC | 2-86 | Also, this change was not made to the TR-districts. Staff does not support adding "milk, feed and grain" to the list of permitted uses coupled with exempting such use from the square footage maximum. Consider requiring special exception for use or not exempting this use from the square footage maximum to ensure compatibility with the scale and character of the existing rural commercial district. | |
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* This is an example of where amendments have "overtaken" the ZORC draft.

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| 13 | Section 2-904(A) & (B), Special Exception Uses | RC | 2-86 | This amendment increases the size of a single use in RC from 10,000 s.f. to 15,000 s.f. (except for agriculture and certain ag-related uses) and eliminates the requirement that any one use exceeding 50% of the district obtain a SPEX. Staff is concerned these changes may result in uses less compatible with existing character and neighborhood scale of the district and result in less business diversity. | |
| 14 | Section 2-910, Dev. Setback and Access From Major Roads | RC | 2-64 2-59 | Staff is concerned about the use of the term "commercial development" as this term is not defined. Staff suggests "nonresidential development." | |
| 15 | Section 3-107(A) & 3-108(A) Lot Coverage | R-1 | 3-5 | This amendment makes lot coverage the same for all three development options in the R-1. Staff finds that this change reduces the incentive for clustering in R-1. Lot coverage should be higher for lots that have clustered. | |
| 16 | Section 3-1003(NN), Storage of empty solid waste vehicles and containers | MR-HI | 3-63 | Additional use to MR-HI: "storage of empty solid waste vehicles and containers." Staff finds that this use fits within "outdoor storage, vehicle." Solid waste vehicle is not a defined term | |
| 17 | Section 4-206(D), Vehicular Access | PD-CC | 4-20 | currently. Amend current Article 8 definition or make no change. Staff does not support eliminating this section. Rather, staff suggests revising the wording as follows: "Primary access and through vehicular traffic shall be prohibited on residential neighborhood streets. This prohibition does not apply to residential collector streets." | |
| 18 | Section 4-302(A), Size and Location | PD-OP | 4-25 | Staff suggests revising the location requirements for the PD-OP to "On arterial or collector roads." | |
| 19 | Section 4-307(E), Site Planning | PD-OP | 4-31 | Staff recommends this language be retained. This amendment eliminates the requirement for a park-like character in PD-OP districts. The current language supports the Revised General Plan policies that promote compact development that has minimal impact on the natural environment or surrounding land uses through innovative site design. | |
| 20 | Section 4-307(F), Development Setback and Access from Major Roads | PD-OP | 4-32 | Staff does not support eliminating this section. Rather, staff suggests revising the wording as follows: "Primary access and through vehicular traffic shall be prohibited on residential neighborhood streets. This prohibition does not apply to residential collector streets. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through construction traffic." | |
| 21 | Sections 4-503(EE) & 4-504(R) Permitted Uses | PD-IP | 4-44 4-45 | Amendments permitted use list to add that churches, synagogues, temples or mosques may include private schools, child and adult day care facilities and associated uses (not accessory uses). Makes a child care center associated with a church by-right with no additional standards and others by special exception and subject to 5-609(B). Staff suggests that all child care centers be treated the same in PD-IP. Additionally, these uses represent civic, educational and institutional uses that may be incompatible with industrial uses. Staff notes that public and private schools should be treated identically. Both uses currently require a special exception. | |
| 22 | Section 4-504(S), Special exception uses | PD-IP | 4-45 | Suggest "contractor service establishment, excluding retail sales and outdoor storage" be a permitted use. | |
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* This is an example of where amendments have "overtaken" the ZORC draft.

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| 23 | Section 4.507(E)(1), Retail Sales as an accessory use | PD-IP | 4-49 | Staff does not support this change. This amendment would eliminate the requirement that warehousing facilities w/ accessory retail sales store goods for at least one retail establishment located in a zoning district where retail is a permitted principal use. Additional retail would produce more trips than PD-IP. | |
| 24 | Sections 4.507(G)(2), 4.607(F)(2) Access | PD-IP PD-GI | 4-51, 4-60 | Staff suggests revising the wording of this section rather than eliminating the provision that states "Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic." Staff does not support access to industrial zones via local residential streets. | |
| 25 | Sections 4.707(D)(3), 4.808(Q)(2) Access | PD-SA PD-TC | 4-67, 4-77 | Staff suggests revising the wording of this section rather than eliminating the provision that states, "Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted." Staff does not support access to the special activity and town center zones via local residential streets. | |
| 26 | Section 4.1209(A)(16) Permitted Uses | PD-RV | 4-156 | Permitted uses in the PD-RV currently include "public water and wastewater facilities including land application fields, identified on the approved Concept Development Plan." The amendment proposes to strike "identified on the approved Concept Development Plan." Staff thinks that public utilities should be reviewed at the time of rezoning. | |
| 27 | Section 4.1214, Utility Design and Financing Requirements | PD-RV | 4-166 | Staff does not support the change. Staff believes that application review and approval falls under the purview of the Board of Supervisors. | |
| 28 | Section 4.1500, Floodplain Overlay District | All | 4-192 | Staff does not support removing Floodplain standards from the Zoning Ordinance. There is no companion amendment to the Facilities Standards Manual (FSM) being proposed at this time. The State Floodplain Coordinator has been contacted and agrees that this language should remain within the Zoning Ordinance. | |
| 29 | Section 4.1503(A), Alteration | All | 4-192 | Staff does not support the elimination of "clearing" as an example of a floodplain alteration. Clearing should remain in the list because clear-cutting or extensive removal of undergrowth could have a significant effect on the flood velocity and depth of flow. There should be a clarifying statement as to when clearing vegetation justifies the need for a floodplain alteration. It should be left within the ordinance in order to alert landowners and developers that extensive clearing within floodplains could adversely impact adjacent properties. | |
| 30 | Section 4.1505(A)(12), Road Crossings | All | 4-196 | Staff recommends retaining the language in Section 4.1505(A)(12). The Zoning Ordinance is the appropriate document to set the standards and limitations on floodplain alterations. The FSM should provide engineering detail and procedures that support the requirements of the Zoning Ordinance. When issues of health and public safety are concerned, the "meat" of the regulation should be in the Zoning Ordinance. The FSM does not carry the regulatory authority that the Zoning Ordinance does and every provision of the FSM can be waived by the Director of Building and Development. Where protection against loss of life and property is at risk, the Zoning Ordinance should dictate the standards under which a floodplain alteration can be approved. | |
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* This is an example of where amendments have "overtaken" the ZORC draft.

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| 31 | Section 4-1508(A) & (B), Alterations | All | 4-199 | Staff recommends retaining the language in Section 4-1508(A) in the Zoning Ordinance. Section 4-1508(B)(4), (5), and (6) could be moved to the FSM but Section 4-1508(B)(1), (2), (3), and (7) should remain in the Zoning Ordinance. |
| 32 | Sections 5-200, 5-200(A) & 5-200(B) | All | 5-4 | This amendment would equate yards, setbacks and buffers. Staff supports the elimination of a difference between yards and setbacks. However, staff does not support structures in buffers. Staff suggests the language referencing buffers be removed. |
| 33 | Section 5-400(C), Home Occupations | All | 5-8 | This amendment increases the floor area that may be devoted to home occupation in an accessory structure from 25% to 49%. Staff suggests the square footage percentages be eliminated, as the provision is difficult to enforce. |
| 34 | Section 5-500, Temporary Uses/Zoning Permits | All | 5-9 | It may be helpful to add language to 5-500 clarifying that the restrictions apply to all districts. The Board of Supervisors recently adopted significant amendments to Section 5-500 with regard to temporary events. |
| 35 | Section 5-633(B), Airport/Landing Strip, Site Size | AR ILMA-20 TR-10 | 5-69 | The Planning Commission had previously recommended (3-20-06) that the minimum lot area for an airport/landing strip be increased from 25 acres to 80 acres. Recommend new intent to amend since ZORC did not consider changes to this use. |
| 36 | Section 5-702(D) Permitted Uses | Rural Hamlet Option | 5-109 | Staff is unsure as to why "accessory uses" have been removed from the permitted use list for hamlet and conservancy lots. In order to ensure accessory structures and uses on hamlet lots, staff does not support this change. |
| 37 | Section 5-1102(B)(1) & (12) | All | 5-134 | In the parking regulations, funeral homes, etc. have been placed under cultural, recreational and entertainment uses. Staff suggests these uses stay under the Miscellaneous category with a title change to Section 5-1102(B)(12)(e). This does not affect the parking rate. |
| 38 | Section 5-1102(F)(1), Adjustments to Parking Requirements | All | 5-139 | This amendment would allow the Director of Building and Development with concurrence of the Zoning Administrator to approve reductions in parking spaces, rather than by SPEX to the BOS. The Director of Building and Development does not have a definition in Article 8 (Director of Planning does.) This also conflicts with the RC district provisions which give authority to the Zoning Administrator. Further, the Code of Virginia invests administration and enforcement authority only with the Zoning Administrator. |
| 39 | Section 5-1102(F)(1)(c) | All | 5-140 | Also, some re-wording is suggested to clarify that a SPEX may be applied for if the parking reduction does not fall into one of the specific instances set forth in paragraphs 2 through 5. |
| 40 | Section 5-1303(B) | All | 5-161 | This amendment adds a time period of 5 years to parking covenants. This is a relatively short period of time and is in effect, a very weak requirement. If a time period is necessary, staff recommends 20 years. |
| 41 | Section 5-1400 | All | 5-163 | This change is no longer applicable, as ZOAM 2005-0002 deleted Section 5-703 regarding AR Clusters. |
| | | | | The Engineering Division of Building and Development has a number of recommendations regarding this Section, which are included with this document on pages A12 to A14. |

* This is an example of where amendments have "overtaken" the ZORC draft.

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|----|--|--------------|-------|---|--|
| 42 | Section 5-1403(E) | All | 5-164 | Staff does not support this addition. It now conflicts with the requirement for a type 5 buffer requirement along Route 50 in Section 5-1406(E)(4) (proposed to be (E)(3)). Language needs to be reconciled with prior ZOAM. | |
| 43 | Section 5-1408, Use of Buffer Yards | All | 5-169 | This section dictates how a buffer yard is to be used—passive recreation, trails, utility easements, signs. It conflicts with proposed Section 5-200, which would permit certain structures in a buffer yard. Revisions are necessary to reconcile this conflict. "Notwithstanding, Section 5-200..." | |
| 44 | Section 5-1508(B)(2)(a) Exemptions | All | 5-202 | Staff does not support this change. Staff suggests the following: "Construction of a single residential use on a legal lot existing as of June 16 th , 1993 is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential uses. Development of more than one residential use on such lot shall be subject to all other applicable standards in this Sections 5-1508(E) and 5-1508(F)." | |
| 45 | Section 5-1508(D)(1)(c)(v), Steep Slope Standards, Permitted Uses in very steep slopes | All | 5-204 | ZORC proposed adding "drinking water supply systems and/or sanitary sewer collection systems and related facilities" as a permitted use in very steep slope areas. ZOAM 2006-0001 subsequently amended this section to add "drinking water supply reservoir subject to obtaining an approved 'Location Clearance Permit' from the Zoning Administrator or his/her designee." Staff has made no change to this section based on the more recent language adopted with the ZOAM (i.e. sanitary sewer collection systems would not be permitted in very steep slopes.) | |
| 46 | Section 6-403(A), Submission Requirements | All | 6-12 | The Board of Supervisors directed staff to amend the zoning ordinance to expand the disclosure requirements of this section. Staff has coordinated with the County Attorney's office and proposes language consistent with §15.2-2289 of the Code of Virginia. Staff's proposed language is on pages A15. | |
| 47 | Section 6-701(C), Site Plan Required | AR-1 AR-2 | 6-26 | ZORC proposed adding language to exempt the "agriculture support and services related to agriculture, horticulture and animal husbandry" use category from site plan requirements when such uses do not involve access by the public as a part of the use. ZOAM 2005-0002 subsequently amended this section to note that site plans are not required when a rural sketch plan is required. Staff has inserted ZORC's language into the newly adopted language and reconciled discrepancies. | |
| 48 | Section 6-1910 Historic Districts | All | 7-5 | The County Attorney's office is concerned that we do not have the enabling authority to impose this requirement. | |
| 49 | Article 8, Definitions Church, synagogue, temple or mosque | All | 8-10 | Deletes the term "accessory" and adds the term "associated" for other permitted uses related to a place of worship. Under this definition, the associated uses could occur without the place of worship. This change has the potential to introduce uses not anticipated in residential and other zoning districts and may have compatibility issues. | |
| 50 | Article 8, Definitions Heavy equipment | All | 8-22 | Deletes "motorcycle" from this definition. However, no other definition appears to account for "Motorcycle or ATV sales, rental, repair and associated service" which has been added as a use. | |
| 51 | Article 8, Definitions Lot Coverage | All | 8-27 | The Lot coverage definition has been amended to state, "Parking structure below or above grade and stand-alone mechanical structures are excluded from lot coverage." Should garages and carports be considered "parking structures?" | |

* This is an example of where amendments have "overtaken" the ZORC draft.

A10

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| 52 | Article 8, Definitions Setback and Setback | All | 8-45 | Staff recommends that the two definitions be reconciled if possible. Staff finds reliance on "point of reference" to be confusing. Suggest that the definition be based on lot lines. | |
| 53 | Article 8, Definitions Sign, Area of | All | 8-46 | This change also has an adverse impact on the administration of Section 5-600 performance standards. This amendment changes what is included in the area of a sign. Staff would suggest revising the language. The phrase "wall work incidental to..." is subjective and since that is now excluded, staff finds that it will be harder to consistently calculate the area of a sign. | |

* This is an example of where amendments have "overtaken" the ZORC draft.

All

**ZOAM 2006-0003,
Section 5-1400**

The Engineering Division of Building and Development has made a number of recommendations in regard to Section 5-1400, Buffering and Screening, some in general and others directly related to ZORC's proposed amendments:

1. Section 5-1403(A): Staff suggests adding the following as an initial provision in Section 5-1403: "All plant material will be installed in a landscape position that will allow for viable, sustained growth."
2. Section 5-1403(A)(2): Staff agrees with adding "diameter at breast height". Staff suggest adding "(d.b.h., measured at 4 and ½ feet above ground level)" immediately afterwards.
3. Section 5-1403(D): This revision has the effect of reducing the overall tree canopy requirement. Equivalent numbers and types of plant materials should be planted elsewhere on the site so that the overall tree canopy is achieved. Staff suggests deleting "and are not required to be planted elsewhere and adding the following sentence at the end of this subsection: "This plant material must be located elsewhere on site in areas that provide room for viable plant growth".
4. Section 5-1403(E): This section should be clarified. For example, is the Type 3 Buffer Yard required adjacent to a six lane road? Staff does not support removing the 4-foot berm requirement adjacent to existing or planned arterial roads that is currently required in Section 5-1406(E)(2).
5. Section 5-1404(B): Staff does not support removing this section from the Zoning Ordinance. This section includes additional specifications required for landscape plans that are not included in Section 7.400 of the FSM.
6. Section 5-1404(C): This is confusing terminology. Perhaps replace "in accordance with current County policy according to specifications" with "in accordance with current County requirements".
7. Section 5-1405(B): This section should be clarified. Does this relieve buffering and screening between zoning districts on a split zoned parcel? If yes, the proposed change may be inconsistent with the purpose and intent of this section, which states "this Section is intended to mitigate the effects of uses on adjacent uses by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use."
8. Section 5-1406(A): What is meant by pre-existing? If it is prior to January 7, 2003, the date should be referenced, consistent with the proposed change in Section 5-

1406(B). As currently proposed, Sections 5-1406(A) and (B) appear to overlap. Also, the use of "pre-existing" and "existing" is inconsistent in Section 5-1406(A)(1) and (2).

9. Section 5-1406(E)(2): It appears that proposed Section 5-1403(E) is intended to replace this Section. As previously stated, additional clarification is needed. Staff does not support removing the 4-foot berm requirement.
10. Section 5-1407(A): Given varying dimensions of required yards and setbacks, this proposed change could result scattered plant material, rather than a uniform buffer. Staff recommends that required dimension for buffer yard widths, both minimum and maximum, be provided.
11. Section 5-1409(E): Staff recommends this section remain as originally written. This change could result in no vegetation between uses. A blanket exemption is not appropriate. This provision should be evaluated on a case by case basis by the Zoning Administrator.
12. Section 5-1411: Staff recommends this section remain as originally written. This provision provides flexibility so that plant installation can coincide with a favorable planting season.
13. Section 5-1413(B)(3) and (5): Staff does not support further reducing an already limited planting area. Additionally, the proposed change could result in vehicles pulling up to the curb and striking the tree.
14. Section 4-1413(C): Staff recommends leaving the parking space threshold as 10 spaces. Staff also suggests restructuring the sentence as follows: "If any parking lot contains ten (10) or more spaces, except where parking areas adjoin a buffer yard required by this Ordinance, peripheral parking lot landscaping shall be required as follows:"
15. Section 5-1413(C)(1)(a): This revision has the effect of reducing the overall tree canopy requirement. Equivalent numbers and types of plant materials should be planted elsewhere on the site so that the overall tree canopy is achieved. Perhaps the last sentence should include ", provided that equivalent planting materials are provided elsewhere on the development site."
16. Section 5-1413(C)(1)(b) and (2)(b): Staff recommends this section remain as originally written. Shrubs and/or berming help to reduce the effects of glare from motor vehicle lights, consistent with the purpose and intent of this section.
17. Section 5-1413(C)(1)(c) and (2)(c): Service areas visible from adjacent properties of a less intense use (e.g. residential against commercial, single-family abutting multi-family, etc.) should still provide a visual buffer.

18. Section 5-1414(B): The proposed changes removed required minimum buffer widths. To ensure that a uniform buffer is provided, rather than scattered plant material, and that sufficient space is provided for viable, sustained plant growth, staff recommends adding minimum and maximum buffer yard width requirements.
19. Section 5-1414(B)(1): Numerous references within this section incorrectly refer to Section 5-1414(B)(5)... The correct reference is Section 5-1414(B)(1)... For example, the correct reference referring to required plants in Section 5-1414(B)(1)(d) should be Section 5-1414(B)(1)(b), not Section 5-1414(B)(5)(b).
20. Section 5-1414(B)(1)(f): Replace "that" with "than" in the second line.
21. Section 5-1414(C)(1): Staff recommends deleting Norway Spruce because the species is very prone to spread.
22. Section 5-1414(C)(5)(b): Staff recommends replacing "New Harmony" with "Valley Forge". Valley Forge is far less susceptible to Dutch Elm Disease.
23. Section 5-1414(C)(b): Staff has concerns regarding the composition and break down of the lists provided in Section 5-1414(C)(b) through (h). Staff recommends revising the lists to provide for greater species diversity and better matching of species to site.
24. Section 5-1414(C)(5)(e): Staff recommends deleting Virginia pine due to the species high susceptibility to wind throw and potential safety hazard. This is consistent with comments made during plan review.

Additional Proposed Changes to 6-403(A)

6-403

Submission Requirements

- (A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

A15